



# California Regulatory Notice Register

REGISTER 2009, NO. 49-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 4, 2009

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.



## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

#### CONFLICT-OF-INTEREST CODES

##### AMENDMENT

#### MULTI-COUNTY: **Tahoe Forest Hospital District**

A written comment period has been established commencing on **December 4, 2009**, and closing on **January 18, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **January 18, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Refound Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3591.20(a) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Eradication Area as an emergency action that was effective on June 19, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 31, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 25, 2010.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The amendment of subsection 3591.20(a) established San Joaquin County as an eradication area for the light brown apple moth, *Epiphyas postvittana*. The effect of this action was to establish authority for the State to conduct eradication activities in San Joaquin County against this pest. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3591.20 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.20 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.



## ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

## AUTHORITY

The Department proposes to amend subsections 3591.20(a) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

## REFERENCE

The Department proposes to amend subsections 3591.20(a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

## EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

## CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

## INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed

actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

## TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3591.20(a) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Eradication Area as an emergency action that was effective on July 13, 2007. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 19, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 18, 2010.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The amendment of subsection 3591.20(a) established San Luis Obispo County as an eradication area for the light brown apple moth, *Epiphyas postvittana*. The effect of this action was to establish authority for the State to conduct eradication activities in San Luis Obispo County against this pest. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3591.20 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.20 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### AUTHORITY

The Department proposes to amend subsections 3591.20(a) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes to amend subsections 3591.20(a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.



## INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/cdfa.pendingregs](http://www.cdfa.ca.gov/cdfa.pendingregs)).

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

## TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3406(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Mediterranean Fruit Fly Interior Quarantine as an emergency action that was effective on July 22, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 19, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to

the action proposed to the agency officer named below on or before January 18, 2010.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

This amendment removed a portion of the quarantine area, approximately 105 square miles surrounding the El Cajon area, for Mediterranean fruit fly in San Diego County. The effect of the amendment was to remove the authority for the State to regulate movement of hosts and possible carriers of Mediterranean fruit fly within and from this area as it is no longer under quarantine. There is no existing, comparable federal regulation or statute.

## COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3406 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because these amendments remove regulatory restrictions; therefore, there are no mandated costs associated with the removal of these areas from the regulation.

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

## EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

## EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant,

statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **ASSESSMENT**

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### **ALTERNATIVES CONSIDERED**

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY**

The Department amended Section 3406(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code of California.

#### **REFERENCE**

The Department amended Section 3406(b) to implement, interpret and make specific Sections 5301, 5302 and 5322, Food and Agricultural Code.

#### **EFFECT ON SMALL BUSINESS**

The amendment of this regulation may affect small businesses.

#### **CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, pro-

posed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

#### **INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.2, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Eradication Area as an emergency action that was effective on July 20, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 19, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days

prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 18, 2010.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.2, subsection (a), was amended and established Placer County as an eradication area for Oriental fruit fly, *Bactrocera dorsalis*. The effect of this action was to establish authority for the State to conduct eradication activities in Placer County against this pest. There is no existing, comparable federal regulation or statute.

### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3591.2 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.2 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in

federal funding to the State will result from the proposed action.

### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

### COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

### AUTHORITY

The Department proposes to amend Section 3591.2, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

### REFERENCE

The Department proposes to amend Section 3591.2, subsection (a), to implement, interpret and make specif-

ic Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

#### **EFFECT ON SMALL BUSINESS**

The proposed amendment of this regulation may affect small businesses.

#### **CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### **INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet website (<http://www.cdfa.ca.gov/phpps/Regulations.html>).

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3423(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Interior Quarantine as an emergency action that was effective July 2, 2009. The Department proposes to continue the regulation as amended and submit a Certificate of Compliance for this action no later than February 1, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 18, 2010.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendment of Section 3423(b) removed a quarantine area of approximately 109 square miles surrounding the Lakewood area of Los Angeles and Orange counties. The effect of the change is to remove authority for the State to regulate movement of hosts of Oriental fruit fly from, into, and within that area under quarantine as it is no longer necessary to prevent artificial spread of the fly to noninfested areas to protect California's agricultural industry. The proposed action does not differ from any existing, comparable federal regulation or statute.

#### **COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3423 does not impose a mandate on



local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3423. No reimbursement is required for Section 3423 under Section 17561 of the Government Code because this amendment eliminated the need for the agricultural commissioners of Los Angeles and Orange counties to conduct any enforcement activities.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any costs a representative person or business would incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the

action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY

The Department proposes to amend Section 3423(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final

statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3591.23, of the regulations in Title 3 of the California Code of Regulations pertaining to the White Striped Fruit Fly Eradication Area as an emergency action that was effective on July 22, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 19, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 18, 2010.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any

portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.23, was adopted and established Los Angeles County as an eradication area for the white striped fruit fly, *Bactrocera albistrigata*. The effect of this action was to establish authority for the State to conduct eradication activities in Los Angeles County against this pest, establish the hosts and the means and methods which may be used in the eradication or control of the pest. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3591.23 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.5 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California,



(2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### AUTHORITY

The Department proposes to amend Section 3591.23, pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes to amend Section 3591.23, to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (<http://www.cdfa.ca.gov/phpps/Regulations.html>).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### **TITLE 4. CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY**

#### **TITLE 4. BUSINESS REGULATIONS**

#### NOTICE OF PROPOSED RULEMAKING

The California Alternative Energy and Advanced Transportation Financing Authority ("CAEATFA"), pursuant to the authority vested in it by Public Resources Code Sections 26009, and 26011(e), and Section 10020 of Title 4 of the California Code of Regulations to charge fees for its reasonable, necessary administrative and program expenses so it can be a self-sustaining agency, proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Authority proposes to amend Title 4, Division 13, Article 1, Section 10020 of the California Code of Regulations ("Amended Regulations") concerning the administrative and program fees to keep CAEATFA a self-sustaining agency. These regulations were partly adopted on an emergency basis in July 31, 2009 for just

renewable energy projects. The current rulemaking action would make those changes permanent along with making all other CAEATFA projects under the same fee structure to make it uniform and simple for applicants.

## AUTHORITY AND REFERENCE

**Authority:** Sections 26009 and 26011(e) of the Public Resources Code authorizes the Authority to adopt necessary regulations and fees relating to the Authority established by the Act.

**Reference:** Sections 26000–26017; 26020–26042.4 of the Public Resources Code. This amended regulation will implement, interpret, and make specific Sections of the Act by amending Section 10020 of Title 4, Division 13, Article 1 of the California Code of Regulations.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Alternative Energy and Advanced Transportation Financing Authority (“CAEATFA”) and authorizes the Authority to charge fees for its reasonable, necessary administrative and program expenses so it can be a self-sustaining agency. (See Public Resources Code Sections 26009, and 26011(e), and Section 10020 of Title 4 of the California Code of Regulations.)

Current regulations create fees for projects other than renewable energy projects generally as follows: if the applicant meets the criteria to be considered a small business, then the applicant is charged four tenths of one percent for financing requested that is no greater than \$2,499,999, five tenths of one percent if the financing requested is between \$2,500,000 and \$4,999,999, and six tenths of one percent if the financing is at least \$5,000,000 or the applicant does not meet the criteria for small business. (Section 10020 of Title 4 of the California Code of Regulations) Renewable energy projects have a tiered fee structure where the applicant is charged five tenths of one percent for financing requested that is no greater than \$5,000,000, \$25,000 plus three tenths of one percent for financing requested that is greater than \$5,000,000 and no greater than \$25,000,000, \$85,000 plus twenty-five one-hundredths of one percent for financing requested that is greater than \$25,000,000 and no greater than \$100,000,000, and \$272,500 plus two tenths of one percent for financing requested that is greater than \$100,000,000. Moreover, there is an annual fee for renewable projects of three one-hundredths of one percent of the approved financial assistance amount with a minimum fee of \$500 and maximum fee of \$10,000.

The proposed amendments of Title 4, Division 13, Article 1, Section 10020 alter this fee structure to lower

the cost of financing for projects other than renewable energy projects and have a consistent fee structure while still allowing the Authority to meet its mandate of being self-sustaining. These amendments are the result of periodic evaluation of the regulations and feedback from applicants.

## DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Regulations:

**Mandate on local agencies or school districts:** None.

**Cost or savings to any state agency:** None.

**Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561:** None.

**Other non-discretionary cost or savings imposed on local agencies:** None.

**Cost or savings in federal funding to the state:** None.

**Significant effect on housing costs:** None.

**Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:** The Authority has made an initial determination that the Amended Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Assessment regarding effect on jobs/businesses:** The Amended Regulations will not have a significant affect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California.

**Cost impact on a representative private person or business:** The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur with reasonable compliance with the proposed action.

**Small Business:** The Amended Regulations will not have an adverse impact on small business in California and will not affect small businesses since they do not impose additional restrictions or cost on small businesses.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no

reasonable alternative to the Amended Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended Regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Authority invites interested persons to present statements with respect to alternatives to the Amended Regulations during the written comment period.

#### AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Amended Regulations shall be submitted or directed to:

Brian Gorban, Analyst

California Alternative Energy and Advanced  
Transportation Financing Authority  
915 Capitol Mall, Room 457  
Sacramento, California 95814  
Telephone: (916) 651-8006  
Fax: (916) 657-4821  
Email: [bgorban@treasurer.ca.gov](mailto:bgorban@treasurer.ca.gov)

Jan McFarland, Executive Director  
California Alternative Energy and Advanced  
Transportation Financing Authority  
915 Capitol Mall, Room 457  
Sacramento, California 95814  
Telephone: (916) 653-2511  
Fax: (916) 657-4821  
Email: [jmcfarland@treasurer.ca.gov](mailto:jmcfarland@treasurer.ca.gov)

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended Regulations to the Authority. The written comment period on the Amended Regulations ends at **5:00 p.m. on January 18, 2010**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority. In the event that substantial changes are made to the fee structure during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modi-

fied, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Amended Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/caeatfa/>

#### PUBLIC HEARING

A public hearing regarding the Amended Regulations has been scheduled for **10:00 a.m. (PST) until business is concluded on Tuesday January 19, 2010 at 915 Capitol Mall, Room 470, Sacramento, CA 95814.**

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the Amended Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Amended Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT  
OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website at <http://www.treasurer.ca.gov/caeatfa/>.

**TITLE 4. CALIFORNIA GAMBLING  
CONTROL COMMISSION**

**NOTICE OF PROPOSED REGULATORY  
ACTION AND PUBLIC HEARING  
CONCERNING  
PORTABLE PERSONAL KEY  
EMPLOYEE LICENSES  
CGCC-GCA-2009-08-R**

**NOTICE IS HEREBY GIVEN** that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest.

**NO PUBLIC HEARING SCHEDULED**

At this time, the Commission has not scheduled a public hearing. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed under Contact Persons and must be received no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period, which closes on January 18, 2010.

Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, may be submitted to the Commission at any time during the public comment period. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on January 18, 2010**. Written comments should be directed to one of the individuals designated in this notice as a contact person. **Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or re-**

**sponded to regardless of the manner of transmission.**

**ADOPTION OF PROPOSED ACTION**

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Sections 19811, 19823, 19824, 19840, 19841, 19850, 19851, 19852, 19853, 19854, 19858, 19861, 19864, 19870, 19872, 19876, 19880, 19890, 19915, 19951, 19982, and 19984 of the Business and Professions Code, and to implement, interpret or make specific sections 19800, 19805, 19811, 19826, 19841, 19850, 19851, 19852, 19853, 19854, 19855, 19856, 19857, 19858, 19859, 19860, 19862, 19863, 19864, 19865, 19866, 19867, 19868, 19870, 19876, 19880, 19881, 19883, 19890, 19893, 19915, 19951, 19960, 19982, and 19984 of the Business and Professions Code,<sup>1</sup> the Commission is proposing to adopt the following changes to Chapters 1 and 6 of Division 18 of Title 4 of the California Code of Regulations:

**INFORMATIVE DIGEST AND POLICY  
STATEMENT OVERVIEW**

**INTRODUCTION:**

The California Gambling Control Commission (Commission) is proposing to adopt regulations that would implement Senate Bill 730 by Senator Florez (SB 730)<sup>2</sup> as it relates to establishing portable personal key employee licenses. Under the provisions of this bill, a key employee license entitles the holder to work as a key employee in **any** key employee position at **any** gambling establishment, provided the key employee terminates employment with one gambling establishment before commencing work for another. The bill re-

<sup>1</sup> All statutory references hereafter are to the Business and Professions Code, unless otherwise specified.

<sup>2</sup> Chapter 438, Statutes of 2007.



quires the Commission to establish a program for portable personal licenses for key employees. The bill also requires the schedule of fees to distinguish between initial and renewal licenses with respect to costs and charges.

SB 730 required the Commission to establish and implement a program for portable personal key employee licenses on or before July 1, 2008.<sup>3</sup> The Commission initiated the program by continuing to utilize existing key employee application forms and procedures. In order to implement the program and issue portable personal licenses, key employees were requested to provide a 2x2 inch color passport-style photograph to the Commission. Key employees were then issued licenses with their same expiration date and their names were subsequently removed from the endorsement on the owner-licensee's gambling license.

Since the implementation of the program several items were identified that needed to be developed in regulations. These items include a method for key employees to notify the Commission when they leave one employer to work for another and requests for a replacement license in the event the key employee license is lost, stolen, damaged, or due to a change in name. Current regulations commingle the licensing requirements for gambling establishment owners and key employees; therefore, these proposed regulations separate the two license types. In addition, amendments were made to the interim key employee regulations to provide consistency with the key employee license process and to further enhance the purpose of the regulation that was established in 2007 in a separate rulemaking file.<sup>4</sup>

#### **SPECIFIC PROPOSAL:**

The proposed action would amend sections in Chapter 1 and Chapter 6 of Division 18 of Title 4 of the California Code of Regulations to separate the key employee license requirements from the gambling license requirements for owner-licensees. The proposed action also creates a new Article 3, entitled "Portable Personal Key Employee License" and new Sections 12350, 12351, 12352, 12353, 12354, and 12355 that describe the requirements for interim, initial, renewal, and replacement of portable personal key employee licenses, including the required forms, documentation, and processing times. The application fees are being added to Section 2008. Several sections would be combined and renumbered to provide consistency and to allow for additional sections for future regulations. Other sections are renumbered and amended to conform to the

separation of key employee license requirements from the gambling license requirements.

#### **EXISTING LAW:**

Prior to the enactment of SB 730, the Gambling Control Act (Act)<sup>5</sup> required that licenses issued to key employees be for specified positions only and that those licenses be endorsed on the owner's gambling license.<sup>6</sup> Key employee renewal applications were also required to be included with those of the gambling establishment, in a single package. In addition, state law required that the key employee's license application fee be assessed against the gambling license issued to the owner of the gambling establishment.<sup>7</sup>

SB 730 provides that key employee licenses are independent of the gambling establishment employer's license by creating a portable key employee license that can be used from job-to-job. As a result, key employees are responsible for maintaining their own licenses. In addition, gambling establishment owners who might have paid the key employee license fees in the past may decide not to continue that practice. Prior to SB 730, the application fee to renew a license for a term of one year was \$500. This same application fee was also assessed each time the key employee changed from one employer to another. Although, the application fee increased from \$500 to \$750 in a previous rulemaking,<sup>8</sup> key employee licenses are now valid for a period of two years; therefore, the fee was reduced by 25%, which should help to ease the transition for key employees who must pay the fee themselves.<sup>9</sup>

#### **EFFECT OF REGULATORY ACTION:**

This proposed action would make the following specific changes to Chapter 1 and Chapter 6 of Division 18 of Title 4 of the California Code of Regulations:

##### **Chapter 1, Section 12008**

Section 12008 (b) would be amended and paragraphs (1), (2), and (3) would be added, which prescribe the key employee fees for an interim license, an initial, renewal, and a replacement license. The initial and renewal license fees remain unchanged.

##### **Chapter 6**

The title of Chapter 6 would be amended by deleting the word "state" when referring to

<sup>3</sup> Business and Professions Code, section 19854, subdivision (d).

<sup>4</sup> California Code of Regulations, Section 12347, adopted regulatory action file No. CGCC-GCA-2007-R-4 (OAL File No. 2007-1012-03 S).

<sup>5</sup> Business and Professions Code, section 19800 et seq.

<sup>6</sup> Business and Professions Code, section 19951, subdivision (a), as written prior to SB 730.

<sup>7</sup> Business and Professions Code, section 19951, subdivision (b), as written prior to SB 730.

<sup>8</sup> California Code of Regulations, Section 12340, subsection (c), adopted in regulatory action file No. CGCC-GCA2007-R-3 (OAL File No. 2008-0904-03 S).

<sup>9</sup> The employer is not precluded from paying the fee on behalf of an employee.

gambling licenses and to reflect the addition of portable personal key employee licenses.

**Article 1, Section 12335**

Section 12335 would be amended by adding paragraph (2) to subsection (b) to define “portable personal key employee license” or “key employee license.”<sup>10</sup>

**Article 2**

The title of Article 2 would be amended from “Licensing” to “Gambling Licenses.” The regulation provisions applicable to gambling licenses and key employee licenses are being divided between two separate articles.

Article 2 would be amended to specify only the requirements for obtaining a gambling license as follows:

**Section 12340**

Section 12340 would be amended to delete the references to key employee licenses, to delete “state” in reference to gambling licenses, to delete subsection (b), and to renumber the subsections accordingly.

**Section 12342**

The title of Section 12342 would be amended to include “Processing Times.” The processing times are being moved from Section 12343 and combined with Section 12342 in order to include this topic with the initial application processing and to provide an additional section for future regulations.

**Section 12345**

Section 12344 would be renumbered to Section 12345 and the license renewal application requirements and processing times would be combined into one section. This section would be amended to specify the requirements for license renewals for a gambling license including the requirement that the Bureau shall submit a written report, which may include a recommendation. In addition, any forms or references, concerning a key employee renewal license would be deleted.

**Section 12346**

Section 12348 would be renumbered to 12346 and any reference to mandatory and discretionary grounds for denial of an application for a key employee license would be deleted. These deleted references to key employee licenses are now addressed in later sections.

**Article 3**

Article 3, referring to “Table Fees,” would be amended to become Article 4.

A new Article 3 would be added to contain the requirements for portable personal key employee licenses and titled accordingly. The new sections included under this article are described as follows:

**Section 12350**

Section 12350 would be added to include the licensing requirements for obtaining an initial portable personal key employee license, including the required forms, documentation, and application processing timeframes. These requirements are similar to the previous licensing requirements for key employees that were included in Sections 12340, 12342, and 12343.

**Section 12351**

Section 12351 would be added to describe the license renewal requirements for portable personal key employee licenses, including the required forms, documentation, and timeframes.

**Section 12352**

Section 12352 would be added to describe the notification requirements when a key employee changes employers or when his/her employment status changes. In addition, this section describes the process to obtain a replacement license. The required forms, documentation, and processing timeframes are also included in this section.

**Section 12353**

Section 12353 would be added to specify the contents of the key employee license and requires that the key employee must wear the license, in a visible and conspicuous manner, while on duty in the gambling establishment. In addition, the key employee must present the license upon request.

**Section 12354**

Section 12347 would be renumbered as Section 12354, and the title amended to read, “Interim Key Employee Licenses; Processing Times.”

Section 12354 is a separate topic and does not specifically pertain to the provisions in SB 730 regarding the gambling license or key employee license; however, these amendments are being proposed to provide consistency and clarity in this section since it is related to key employees. This section will make the interim key employee requirements

<sup>10</sup> Business and Professions Code, section 19805, subdivisions (w) and (ac), as amended by SB 730.



equivalent whether the employee is working at a corporate owned or non-corporate owned gambling establishment.

**Section 12355**

This section is consistent with the language previously located in Section 12348. The language is being restated in Article 3 as it still applies to key employees.

**INCLUDED FORMS:**

The following forms are included in the regulation text as Appendix A:

- CGCC-031 Application for Gambling Establishment Key Employee License (Rev. 08/09)
- CGCC-033 Notification of Change in Employment Status (New 08/09)
- CGCC-034 Request for Replacement Key Employee License (New 08/09)
- CGCC-035 Application for Interim Key Employee License (New 08/09)

**INCORPORATION BY REFERENCE:**

The incorporation by reference in paragraph (4) of subsection (c) of Section 12350 of the form "Key Employee Supplemental Background Investigation Information, BGC-APP. 016A (Rev. 08/09)" is appropriate since publishing this document in the California Code of Regulations would clearly be cumbersome, unduly expensive, impractical and unnecessary. This document consists of multiple pages of text, tables and charts. It is designed to be completed electronically, then printed and mailed to the Commission. It is unnecessary to print this information in the text of the regulation itself. Form BGC-APP. 016A is available for viewing on the Commission's Web site, and is also available to anyone upon request to the Commission or Bureau. This form will also be available for review throughout this rulemaking process.

**FISCAL IMPACT ESTIMATES**

**FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:**

None.

**NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:**

None.

**MANDATE IMPOSED ON ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:**

None.

**COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:**

None.

**IMPACT ON BUSINESS:**

The Commission has made an initial determination that the adoption of these regulations would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**IMPACT ON JOBS/NEW BUSINESSES:**

The Commission has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:**

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**EFFECT ON HOUSING COSTS:**

None.

**EFFECT ON SMALL BUSINESS:**

The Commission has determined that the proposed regulatory action would not affect small businesses. This initial determination is based on the fact that the regulations being proposed for adoption do not affect any business.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

**INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL**

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information

upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

#### AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the backup contact person named below.

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Web site listed below.

#### CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

James B. Allen, Regulatory Actions Coordinator  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220, Sacramento,  
CA 95833-4231  
Telephone: (916) 263-4024  
Fax: (916) 263-0452  
E-mail: Jallen@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Joy Calkin, Staff Services Analyst  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220, Sacramento,  
CA 95833-4231  
Telephone: (916) 263-3628  
Fax: (916) 263-0452  
E-mail: Jcalkin@cgcc.ca.gov

#### WEB SITE ACCESS

Materials regarding this proposed action are also found on the Commission's Web site at [www.cgcc.ca.gov](http://www.cgcc.ca.gov).

## TITLE 4. CALIFORNIA HORSE RACING BOARD

### CALIFORNIA HORSE RACING BOARD TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

#### NOTICE OF PROPOSAL TO AMEND RULE 1689. SAFETY HELMETS REQUIRED AND RULE 1689.1. SAFETY VEST REQUIRED

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1689, Safety Helmet Required, to add any person working as a member of the gate crew to the list of those who must wear a safety helmet. The amendment also establishes new standards requiring that safety helmets comply with at least one of the following four product standards: American Society for Testing Materials (ASTM) standard F1163-04a, European Norms (EN) standard 1384, Australian and New Zealand Racing Boards (AS/ZN) standard 3838, and Snell Memorial Foundation (Snell) standard H2000.

The Board proposes to amend Rule 1689.1, Safety Vest Required, to add harness drivers and assistant starters to the list of those who must wear a safety vest and replace the outdated British Equestrian Trade Association (BETA) standard of level five to level one under the BETA 2009 standard for horse rider's safety vests. In addition, the Shoe and Allied Trade Association (SATRA) Jockey Vest product standard and the ASTM F2681-08 standard are incorporated in the regulation. The proposed amendment also prohibits the alteration of a safety vest from its original manufactured design.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 25, 2010**, or as soon after that as business before the Board will permit, at the **California Horse Racing Board Headquarters Office, 1010 Hurley Way, Suite 300, Sacramento, CA**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

## WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on January 18, 2010**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Colleen Germek, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6049  
Fax: (916) 263-6022  
E-Mail: [colleeng@chrb.ca.gov](mailto:colleeng@chrb.ca.gov)

## AUTHORITY AND REFERENCE

**Rule 1689:** Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19481 and 19460, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19481 and 19460, Business and Professions Code.

**Rule 1689.1:** Authority cited: Sections 19420, 19481 and 19562, Business and Professions Code. Reference: Sections 19481, Business and Professions Code.

Business and Professions Code sections 19420, 19481 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19481 Business and Professions Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control for horse racing and pari-mutuel wagering. Business and Professions Code sec-

tion 19481 provides that in performing its responsibilities the Board shall establish safety standards governing the equipment for horse and rider to improve the safety of horses, riders and workers at the racetrack. Business and Professions Code section 19460 states that all licenses are subject to all rules, regulations, and conditions as prescribed by the Board. Business and Professions Code Section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California.

Board Rule 1689, Safety Helmets Required, provides that a racing association may not permit any person to gallop or pony a horse, to ride a horse in a race or be mounted in or riding on a sulky unless the person is wearing a properly fastened safety helmet. Board Rule 1689.1, Safety Vest Required, requires jockeys and apprentice jockeys to wear safety vests when riding in a race. Additionally, the rule provides that jockeys, apprentice jockeys and exercise riders must wear a safety vest when they train or exercise any horse on the grounds of a racing association or racing fair. Rule 1689.1 currently specifies that such safety vests shall meet the level five rating of the British Equestrian Trade Association standard for horse riders' body and shoulder protectors.

The proposed amendments to Rules 1689 and 1689.1 were recommended by the California Horsemen's Safety Alliance (CHSA) and the horse racing industry. Currently, the Board does not require safety helmets to comply with a specific standard and, according to the CHSA, the level five BETA safety standard for vests currently prescribed by the Board is outdated. The CHSA contend the safety of individuals required to wear helmets and vests may be compromised because they often do not wear products that meet current domestic or international safety standards. The addition of subsection (b) to Rule 1689 requires helmets comply with at least one of the following helmet safety standards specific to the equine industry: American Society for Testing Materials (ASTM) standard F1163-04a, European Norms (EN) standard 1384, Australian and New Zealand Racing Boards (AS/ZN) standard 3838, and Snell Memorial Foundation (Snell) standard H2000. Subsection (c)(1) of Rule 1689.1 removes the outdated level five BETA safety standard and adds the British Equestrian Trade Association (BETA) 2009 level one standard for horse rider's safety vests, Shoe and Allied Trade Association (SATRA) Jockey Vest product standard and the ASTM F2681-08 standard to the list of standards safety vests must comply. The safety standards for helmets and vests created by these organizations are recognized in both the American and international equine industry. Additionally, including multiple safety standards provides individuals a variety of

products and price ranges from which to choose, while offering the same level of safety.

The proposed amendment to Rule 1689 also adds any person working as a member of the gate crew to the list of those who must wear a safety helmet and, for consistency purposes, includes fairs and authorized training facilities to the list of locations where the rule is enforced. A definition of gate crew is added to eliminate any misinterpretation of the provision. The proposed amendment to Rule 1689.1 adds harness drivers and assistant starters to the list of those who must wear a safety vest and, for consistency purposes, includes authorized training facilities to the list of locations where the rule is enforced. The proposed amendments help to ensure the safety of those most vulnerable to injury on the race-track at facilities under the jurisdiction of the Board.

According to the CHSA, jockeys frequently modify their safety vests, removing padding to improve the fit and functionality. In addition, product tags seem to be routinely removed from safety vests. These modifications reduce the protective effectiveness of the safety vest and make it difficult to ensure the vest meets the standards set in Rule 1689.1. The addition of subparagraph (c)(4), prohibiting vests from being altered, will ensure the integrity of the equipment and allow for easier identification of the product for enforcement purposes.

#### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rules 1689 and 1689.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rules 1689 and 1689.1 will not (1) create or eliminate jobs within California; (2) create new businesses or elimi-

nate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rules 1689 and 1689.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Colleen Germek, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6049  
E-mail: [colleeng@chrb.ca.gov](mailto:colleeng@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulation Analyst  
Telephone: (916) 263-6397  
E-mail: [harolda@chrb.ca.gov](mailto:harolda@chrb.ca.gov)

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rule-making process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Colleen Germek, or the alternative contact person at the address, phone number or e-mail address listed above.



#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Colleen Germek at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Colleen Germek at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov)

### TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

#### NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **January 21, 2010**, at 10:00 a.m.

in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **January 21, 2010**, following the Public Meeting, in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

#### BUSINESS

**MEETING:** On **January 21, 2010**, following the Public Hearing, in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

At the Business Meeting, the Board will conduct its monthly business.

#### DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for

an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8  
OF THE CALIFORNIA CODE OF REGULATIONS  
BY THE OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **January 21, 2010**.

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7,  
Article 59  
Section 4301  
**Spreaders for Self-Feed Circular Ripsaws**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7,  
Article 59  
Section 4301  
**Spreaders for Self-Feed Circular Ripsaws**

INFORMATIVE DIGEST OF PROPOSED  
ACTION/POLICY STATEMENT OVERVIEW

This rulemaking was initiated by Board staff in response to an application for a permanent variance (File No. 08-V-032) from Section 4301(e) which the Board granted on July 17, 2008. Section 4301 pertains to self-feed circular ripsaws. Saws of this type are known as gang saws, straight line rip saws, or other similar names, and may have either a single or multiple circular blade(s). Section 4301(c) requires that a spreader be fastened securely to such saws. A spreader, also known as a splitter or riving knife, is a flat metal device located behind the saw blade that is designed to prevent the saw blade kerf from closing on the sides of the blade which could cause the workpiece to kickback. The Board Decision in the Matter of Sanford Lussier Inc., Variance File No. 08-V-032, dated July 17, 2008 indicates that manufacturers do not provide spreaders on self-feed circular ripsaws; it is not practicable to add spreaders to

such saws; and, spreaders are not necessary if the saws are equipped with anti-kickback devices and power feed devices that are properly adjusted for each piece of stock in order to reduce the possibility of kickback. This rulemaking would amend Section 4301(c) to delete the requirement for a spreader and to replace it with a provision which would require employers to ensure that power feed devices are properly adjusted for each piece of stock in order to reduce the possibility of kickback.

**Section 4301(c).**

Section 4301, Self-Feed, Circular Ripsaws, contains various self-feed circular rip saw requirements that address the use of hoods, guards and blade covers; the use, design and installation of spreaders; and the use of anti-kickback devices. Subsection (c) requires that a spreader be fastened securely to the saw and that the spreader be designed and installed in accordance with the provisions of Section 4296.

The proposed amendment would delete the current provisions of Section 4301(c) and replace them with a provision which would require employers to ensure that power feed devices are properly adjusted for each piece of stock in order to reduce the possibility of kickback. The current wording of the subsection does not adequately promote worker safety, in that it may require the use of spreaders under circumstances where equipment is not manufactured with spreaders and the use of spreaders is unsafe. The effect of this proposed amendment would be to modify Section 4301(c) from a prescriptive to a performance standard which is consistent with general industry practices and applicable national consensus standards.

COST ESTIMATES OF PROPOSED ACTION

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

**Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.



**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

**DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

This proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

**EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

**ASSESSMENT**

The adoption of the proposed amendment to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

**REASONABLE ALTERNATIVES CONSIDERED**

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than January 15, 2010. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on January 21, 2010, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Execu-

tive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

## **TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD**

### **NOTICE OF PROPOSED RULEMAKING ER-07-09**

#### **TITLE 10: CALIFORNIA CODE OF REGULATIONS CHAPTER 5.8 HEALTHY FAMILIES PROGRAM**

#### **AMEND SECTION 2699.6809**

#### **NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on January 19, 2010, at 1:30 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board  
Attn: Dianne Knox  
1000 G Street, Suite 450  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to [dknox@mrrib.ca.gov](mailto:dknox@mrrib.ca.gov). Comments must be received by no later than 5:00 p.m. on January 19, 2010.

### **AUTHORITY AND REFERENCE**

Authority: 12693.21, 12693.22 and 12693.755, Insurance Code. Reference: 12693.21, 12693.22, 12693.43, 12693.53 and 12693.755, Insurance Code.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Healthy Families Program (HFP) is California's state- and federally-funded Children's Health Insurance Program (CHIP), established pursuant to Title XXI of the federal Social Security Act. MRMIB administers HFP. HFP provides comprehensive health, dental and vision insurance to low-income children under age 19 with family income above the Medi-Cal income eligibility levels. (Insurance Code sections 12693 *et seq.*). Approximately two-thirds of the funding for HFP is provided by the federal CHIP. (42 U.S.C. 1397aa *et seq.*) By statute, HFP requires applicants to make family contributions towards their health insurance premiums. (Insurance Code section 12693.43.)

Section 3 of Assembly Bill 1422 (Chapter 157, Statutes of 2009), amended the HFP statutes (Insurance Code section 12693 *et seq.*) to increase monthly family contributions.

**Policy Statement:** The objective of the proposed action is to implement, interpret, or make specific Section 3 of Assembly Bill 1422 (Chapter 157, Statutes of 2009) in regards to monthly family contributions.

### **LOCAL MANDATE**

This proposal does not impose a mandate on local agencies or school districts.

### **FISCAL IMPACT ESTIMATES**

This proposal does not impose a mandate on local agencies or school districts for which reimbursement would be required pursuant to Part 7 commencing with Section 17500 of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies, or cost or savings in federal funding to the state.

### **COSTS OR SAVINGS TO STATE AGENCIES**

The State will realize a General Fund savings of \$5,516,080 in fiscal year 2009-10 and \$8,574,120 for

the two subsequent fiscal years due to increased subscriber premiums.

#### **BUSINESS IMPACT/SMALL BUSINESS**

The MRMIB has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by Section 11342.610. The determination that the proposal would not affect small business is based upon the fact that the proposal only applies to the adoption of the proposed regulations which increase family contributions in the Healthy Families Program. It has no impact at all on an entity that is not a state agency as defined in section 11000 of the California Government Code.

#### **ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES**

The MRMIB has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

Subscribers may pay a higher monthly premium.

#### **EFFECT ON HOUSING COSTS**

None.

#### **ALTERNATIVES**

The MRMIB must determine that no reasonable alternative considered by the agency, or that has been otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **CONTACT PERSONS**

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Dianne Knox  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 324-0592

or

Randi Turner  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 327-8243

#### **INITIAL STATEMENT OF REASONS**

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

#### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

#### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named above.

#### **WEBSITE ACCESS**

Materials regarding this proposal can be found at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

### **TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD**

#### **NOTICE OF PROPOSED RULEMAKING ER-06-09**

#### **TITLE 10: CALIFORNIA CODE OF REGULATIONS CHAPTER 5.8 HEALTHY FAMILIES PROGRAM**

**AMEND SECTIONS 2699.6600, 2699.6607,  
2699.6619, 2999.6621,  
2699.6705, 2699.6715, AND 2699.6725**

#### **NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on January 20, 2010, at 1:30 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board  
Attn: Dianne Knox (ER-06-09)  
1000 G Street, Suite 450  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to [dknox@mrrib.ca.gov](mailto:dknox@mrrib.ca.gov). Comments must be received by no later than 5:00 p.m. on January 20, 2010.

#### AUTHORITY AND REFERENCE

Authority: 12693.21, 12693.22, 12693.75 and 12693.755 Insurance Code; and 14005.41 Welfare and Institutions Code. Reference: 12693.02, 12693.21, 12693.22, 12693.326, 12693.43, 12693.46, 12693.51, 12693.615, 12693.63, 12693.65, 12693.70, 12693.71, 12693.73, 12693.74, 12693.75 and 12693.755 Insurance Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

HFP is California's state- and federally-funded Children's Health Insurance Program (CHIP), established pursuant to Title XXI of the federal Social Security Act. MRMIB administers HFP. HFP provides comprehensive health, dental and vision insurance to low-income children under age 19 with family income above the Medi-Cal income eligibility levels. (Insurance Code sections 12693 *et seq.*). Approximately two-thirds of the funding for HFP is provided by the federal CHIP. (42 U.S.C. 1397aa *et seq.*)

Section 3 of Assembly Bill 1422 (Chapter 157, Statutes of 2009) amended the HFP statutes (Insurance Code section 12693 *et seq.*) to modify program requirements and operations.

California is experiencing a budget crisis. The budget shortfall dramatically affects HFP applicants and subscribers. The State budget enacted in February 2009 provided approximately \$403 million in State General Funds for HFP. However, as a result of caseload and rate changes, legislative budget revisions and the Governor's veto of \$50,000,000 for HFP, the program faced a General Fund shortfall in excess of \$190 million. When General Funds are not used for the program, federal matching funds are not available thereby substantially reducing even more the amount of funds available to the program.

By statute, the Board must maintain enrollment and expenditures to ensure that expenditures do not exceed amounts available. If sufficient funds are not available to cover the estimated cost of program expenditures, the Board must institute appropriate measures to limit enrollment. (Insurance Code section 12693.21(n).) Under the HFP regulations, if the Board finds that sufficient funds are not available to cover the estimated costs of the program, the program must establish a waiting list. (Title 10, Code of California Regulations, section 2699.6603(a).) If the Board finds that the waiting list does not sufficiently limit expenditures, children must be disenrolled following their Annual Eligibility Review (AER).<sup>1</sup> (Title 10, California Code of Regulations, section 2699.6603(b)(1).)

At its June 29, 2009 meeting, the Board found that it was necessary to implement a waiting list effective July 17, 2009. At its August 13, 2009 meeting, the Board found that it is necessary to disenroll children following their September AERs. At its August 27, 2009 meeting, the Board modified its finding and determined that disenrollments would occur following October AERs, instead of September, in the hope that a fiscal solution would be found which would allow the Board to avoid disenrollment and limit or discontinue the waiting list.

A tentative fiscal solution was found involving three sources of funding. First, on August 13, 2009 the First 5 California Children and Families Commission approved a contribution of up to \$81.4 million to HFP. Second, on September 22, 2009, the Governor signed AB 1422 which increases subscriber premiums. Finally, on October 15, 2009 the Board adopted regulations to increase benefit copayments and limiting choice of dental choices<sup>2</sup> which are the subject of this filing.<sup>3</sup>

<sup>1</sup> Disenrollment would occur at the end anniversary month. Thus, children would be covered through the last day of the anniversary month.

<sup>2</sup> The proposed regulations would reduce program costs by limiting some applicants' choice to lower-cost dental plans.

<sup>3</sup> The increase in copayments allows the Board to reduce the payments made to the health, vision and dental plans since subscribers make the copayments to the plans, not the Board.



Anticipating the fiscal solution described above, at its September 16, 2009 meeting, the Board found that there are sufficient funds to cover the estimated costs of the program and therefore determined not to initiate disenrollment. It also determined to end the waiting list.

#### LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. The Federal government will realize a savings of \$14,782,857 in fiscal year 2009–10 and \$24,402,857 for the two subsequent fiscal years due to benefit changes.

#### COSTS OR SAVINGS TO STATE AGENCIES

The State will realize a General Fund savings of \$7,960,000 in fiscal year 2009–10 and \$13,140,000 for the two subsequent fiscal years due to benefit changes.

#### BUSINESS IMPACT/SMALL BUSINESS

The MRMIB has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by Section 11342.610. The determination that the proposal would not affect small business is based upon the fact that the proposal only applies to the adoption of regulations to modify the Healthy Families Program benefits and to otherwise modify program requirements and operations necessary for the Managed Risk Medical Insurance Board to administer the Healthy Families Program. It has no impact at all on an entity that is not a state agency as defined in section 11000 of the California Government Code.

#### ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The MRMIB has determined that this regulatory proposal will not have any impact on the creation of jobs or

new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

Due to the limitation on the choice among dental plans for new subscribers, five dental plans and an unknown number of providers (dentists) will be possibly impacted. There is potential impact to health and vision plans and providers. For some individuals, premiums and copayments will increase.

#### EFFECT ON HOUSING COSTS

None.

#### ALTERNATIVES

The MRMIB must determine that no reasonable alternative considered by the agency, or that has been otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed.

#### CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Dianne Knox  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 324–0592

or

Randi Turner  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 327–8243

#### INITIAL STATEMENT OF REASONS

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of

the information upon which this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named above.

**WEBSITE ACCESS**

Materials regarding this proposal can be found at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

**TITLE 15. CORRECTIONS STANDARDS  
AUTHORITY**

**NOTICE OF PROPOSED ACTION  
ADOPTION OF EMERGENCY REGULATIONS**

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Department of Corrections and Rehabilitation  
Corrections Standards Authority**

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Sections 15820.906 and 15820.916, in order to implement, interpret and make specific Government Code Sections 15820.90 through 15820.917, proposes to amend Sections 1730, 1778 and 1790 of Title 15, California Code of Regulations, Division 1, Chapter 1 Subchapter 6 concerning local jail construction funding.

**PUBLIC HEARING**

**Date and Time:** January 28, 2010  
1:00 p.m.

**Place:** 660 Bercut Drive, Sacramento,  
95811

**Purpose:** To receive comments about this action.

**PUBLIC COMMENT PERIOD**

The public comment period will open on **December 4, 2010** and close **January 26, 2010 at 5:00 p.m.** Any person may submit public comments in writing (by mail, fax or by e-mail) regarding the proposed changes. To be considered by the Corrections Standards Authority (CSA), comments must be submitted to the CSA, County Facilities Construction Division, 600 Bercut Drive, Sacramento, CA 95811; by fax at (916) 327-3317; or by e-mail at [construction@cdcr.ca.gov](mailto:construction@cdcr.ca.gov) before the close of the comment period.

**CONTACT PERSON**

Please direct any inquiries regarding this action to:

**Charlene Aboytes, Field Representative  
Corrections Standards Authority  
Dept. of Corrections and Rehabilitation  
600 Bercut Drive, Sacramento, CA 95811  
Voice: (916) 445-5073  
E-mail: [Charlene.aboytes@cdcr.ca.gov](mailto:Charlene.aboytes@cdcr.ca.gov)**

**Melinda Ciarabellini, Field Representative  
Corrections Standards Authority  
Dept. of Corrections and Rehabilitation  
600 Bercut Drive, Sacramento, CA 95811  
Voice: (916) 445-5073  
E-Mail: [Melinda.Ciarabellini@cdcr.ca.gov](mailto:Melinda.Ciarabellini@cdcr.ca.gov)**

**LOCAL MANDATES**

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500-17630.

**FISCAL IMPACT STATEMENT**

- There will be a cost to the state through debt service paid on the lease revenue bonds, but the CSA does not anticipate any debt services payments within the next two years.
- Cost or savings to any state agency

- Other nondiscretionary cost or savings imposed on local agencies:
- Cost or savings in federal funding to the state:

None. To be eligible for this voluntary funding program, counties must provide matching funds of 25% of total project costs. This will vary depending on the total funds counties request.

None.

### EFFECT ON HOUSING COSTS

The CSA has made an initial determination that the proposed action will have no significant effect on housing costs.

### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The CSA has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### EFFECT ON SMALL BUSINESSES

The CSA has determined that the proposed regulations will indirectly positively affect small businesses. Among other provisions, the Public Safety and Offender Rehabilitation Services Act of 2007 provides \$1.2 billion (in two phases) to counties for the construction or expansion of local jails. This will mean more construction and custody related jobs in the communities where this construction takes place.

### ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The CSA has determined that the proposed regulations will indirectly positively affect jobs in California. Among other provisions, the Public Safety and Offender Rehabilitation Services Act of 2007 provides \$1.2 billion (in two phases) to counties for the construction

or expansion of local jails. This will mean more construction related jobs in the communities where this construction takes place.

### CONSIDERATION OF ALTERNATIVES

The CSA must determine that no reasonable alternative considered by the CSA, or that has otherwise been identified and brought to the attention of the CSA, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

### AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The CSA has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the amended regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR and the Notice of Proposed Action will also be made available on the CSA's website at [http://www.cdcr.ca.gov/Divisions\\_Boards/CSA/index.html](http://www.cdcr.ca.gov/Divisions_Boards/CSA/index.html).

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CSA's contact person.

### AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the CSA may adopt the proposed modified regulations substantially as described in this Notice. If the CSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CSA adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The CSA will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

**Summary of Existing Laws:**

In May 2007, Governor Arnold Schwarzenegger signed into law Assembly Bill 900, the Public Safety and Offender Rehabilitation Services Act of 2007. Those requirements are now reflected in Chapter 7, Statutes of 2007 and in new sections of the Government Code. These sections (15820.906 and 15820.916) outline the CSA's responsibilities to administer local jail construction funding. Specifically, Sections 15820.906 and 15820.916 require the CSA to adopt regulations for the approval or disapproval of local jail facilities.

**Summary of Existing Regulations:**

There are no standards that address the CSA's responsibilities in Chapter 7, Statutes of 2007. Previously, the Board of Corrections<sup>1</sup> administered the County Jail Capital Expenditure Bond Acts of 1981 and 1984, the County Correctional Facility Capital Expenditure Bond Act of 1986 and the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988. Regulations in effect at that time were located in Title 15, California Code of Regulations, Division 1, Chapter 1, Subchapter 2. There are no comparable federal regulations or statutes.

ARTICLE 3. APPLICATION TO PARTICIPATE  
IN 2007 LOCAL JAIL CONSTRUCTION  
FUNDING PROGRAM

**Section 1730, Proposal.** Government Code Sections 15820.90 through 15820.918 describe the financing of county jail facilities through the 2007 Local Jail Construction Funding Program. Section 15820.903 indicates that up to \$750,000,000 in financing is available. The Authority is responsible for distributing these state funds and is using a competitive request for proposals (RFP) process. This regulation was developed to describe the requirements and elements for a proposal for the 2007 Local Jail Construction Funding Program.

The proposal was required to be submitted utilizing the 2007 Local Jail Construction Funding Program Proposal Form attached to the Request for Proposals, Construction or Expansion of County Jails, dated December 20, 2007 and approved by the Authority. (On the due date of March 18, 2008, 24 counties submitted proposals.) The form provided a clear, concise and consistent format for the counties to record necessary information as listed in Section 1730(b)(1) through (7) that

was essential in the evaluation of the proposals by the Authority. The 2007 Local Jail Construction Funding Program Proposal Form was incorporated by reference in the regulations.

Of the \$750 million authorized, funds remain available for additional projects as all 24 of the original applicant counties either have an active conditional award or have been removed from funding consideration. This necessitated another RFP process and another proposal form. This regulation has been changed to add the title of the second RFP and proposal form. This proposal form, the 2007 Local Jail Construction Funding Program, AB 900 — Phase 1 — 2009 Edition Proposal Form, dated July 21, 2009, is incorporated by reference in the regulations. The proposal form would be impractical, cumbersome and unduly expensive to publish in the California Code of Regulations as it is a twelve (12) page, inter-active form that is to be completed by the counties electronically, printed and submitted as the project proposal along with other required documents as attachments. The form is reasonably available to the public, upon request, directly from the Authority's business office located in Sacramento, CA. The form can also be accessed through the Authority's website at [http://www.cdcr.ca.gov/Divisions\\_Boards/CSA/index.html](http://www.cdcr.ca.gov/Divisions_Boards/CSA/index.html).

**Section 1778, Definitions.** The definition of "Hearing panel" was modified to clarify that the chairperson referenced in this regulation is the chairperson of the Corrections Standards Authority (CSA). The original text of this regulation stated that the hearing panel shall be selected by the chairperson at the time the appeal is filed, and did not mention CSA Board membership.

The definition of "Proposed decision" was modified to delete the term hearing officer. The original text of this regulation referenced "hearing officer;" however, this term was not defined. The term hearing panel is defined and used throughout these regulations; the term "hearing officer" was deemed unnecessary.

**Section 1790, Corrections Standards Authority's Hearing Procedures.** Subsection (a) was modified to clarify that both the Authority and the participating county will be required to agree to delay an appeal hearing. The original text of this regulation stated that unless delayed for good cause, the hearing shall be conducted at a reasonable time, date and place, but not later than twenty-one days after the filing of the request of the hearing. Good cause was not defined in this regulation. Requiring both the Authority and the participating county to agree to delay an appeal hearing removes the need for a definition of good cause and corresponds with the CSA's philosophy of working together with our constituents, local government.

Subsection (c) was modified to clarify that both the Authority and the participating county will be required

<sup>1</sup> As a result of the reorganization of California's correctional system in 2005, the Board of Corrections was renamed the Corrections Standards Authority.



to agree to continue the appeal hearing. The original text of this regulation stated that "Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within sixty (60) days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause." Good cause was not defined in this regulation. Requiring both the Authority and the participating county to agree to continue the appeal hearing removes the need for a definition of good cause and corresponds with the CSA's philosophy of working together with our constituents, local government.

## TITLE 16. CALIFORNIA BOARD OF ACCOUNTANCY

### Regulation Notice

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Hilton Irvine/Orange County Airport 18800 MacArthur Boulevard, Irvine, California, 92612, telephone (949) 833-9999, at 1:30 p.m. on January 20, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on January 18, 2010, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Sections 5010, 5076, and 5076.1 of the Business and Professions Code, and to implement, interpret or make specific Sections 5076 and 5076.1 of said Code, the Board is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### **Adopt Sections 38, 47, and 48.4 of Title 16 of the California Code of Regulations.**

Section 5010 of the Business and Professions Code authorizes the California Board of Accountancy to adopt regulations for the orderly administration of the California Accountancy Act. Legislation enacted in 2009 amended Section 5076 of said Code to require that all California-licensed firms performing accounting and auditing services undergo a peer review a minimum of once every three years, and require the Board to adopt regulations specific to implementing, interpreting, and making specific Section 5076. The legislation also added Section 5076.1 requiring the Board to establish an advisory committee to provide recommendations to the Board on the effectiveness of peer review.

This proposal would adopt the above-referenced regulations to implement Section 5076 and 5076.1, including regulations specific to the purpose of Article 6 of the California Code of Regulations, qualifications and administrative duties of the Peer Review Oversight Committee, and an adjudication process for peer review programs that are denied Board recognition.

The objective of this proposal, along with regulations being promulgated in a separate Notice, is to implement and make specific Sections 5076 and 5076.1 with regulations that create an effective and efficient Peer Review Program.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Insignificant.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None.

Business Impact:

The Board of Accountancy has made an initial determination that the adoption of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Board of Accountancy has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

**AND**

The following studies/relevant data were relied upon in making the above determination: None.

**Impact on Jobs/New Businesses:**

The Board has determined that this regulatory proposal would not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**Cost Impact on Representative Private Person or Business:**

The Board is aware that there may be cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Housing Costs:** None

**EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulations may affect small businesses.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered to the regulations or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposals described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, in underline and strikeout format to allow for

comparison with existing regulations, and all of the information upon which the proposal is based may be accessed on the Board's Web site or obtained upon request from the Contact Person listed on the following page.

**AVAILABILITY AND LOCATION  
OF DOCUMENTS**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named on the following page.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Contact Person named in this Notice or by accessing the Board's Web site at [www.dca.ca.gov/cba](http://www.dca.ca.gov/cba).

**CONTACT PERSON**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Matthew Stanley  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815-3832

Telephone No.: (916) 561-1700  
Fax No.: (916) 263-3675  
E-Mail Address: [regulations@cba.ca.gov](mailto:regulations@cba.ca.gov)

The backup contact person is:

Name: Dan Rich  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815-3832

Telephone No: (916) 561-1700  
Fax No: (916) 263-3675  
E-Mail Address: [regulations@cba.ca.gov](mailto:regulations@cba.ca.gov)

**TITLE 16. CALIFORNIA BOARD OF  
ACCOUNTANCY**

**Regulation Notice**

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Hilton Irvine/Orange County Airport, 18800 MacArthur Boulevard, Irvine, California, 92612, telephone (949) 833-9999, at 1:30 p.m. on Janu-

ary 20, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on January 18, 2010, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Sections 5010, 5076, and 5076.1 of the Business and Professions Code, and to implement, interpret or make specific Sections 5076 and 5076.1 of said Code, the Board is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### **Adopt Sections 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, and 48.6 of Title 16 of the California Code of Regulations.**

Section 5010 of the Business and Professions Code authorizes the California Board of Accountancy to adopt regulations for the orderly administration of the California Accountancy Act. Legislation enacted in 2009 amended Section 5076 of said Code to require that all California-licensed firms performing accounting and auditing services undergo a peer review a minimum of once every three years, and require the Board to adopt regulations specific to implementing, interpreting, and making specific Section 5076.

This proposal would adopt the above-referenced regulations to implement Section 5076, including regulations specifying requirements for Board recognition of a peer review program, defining terms specific to peer review, defining an accounting and auditing practice, standards for administering a peer review, extensions of time for fulfilling the peer review requirement, exclusions from the peer review requirement, document submission requirements, enrollment and participation, notification of expulsion from a peer review program, reporting requirements for a board-recognized peer review program provider, withdrawal of Board recognition, and records of Board proceedings. In addition, the

Board will be incorporating two forms by reference — PR-1(1/10) in proposed Section 45 and *Application to Become a Board-recognized Peer Review Program* (1/10) in proposed Section 48.2.

The objective of this proposal along with regulations being promulgated in a separate Notice is to implement and make specific Section 5076 with regulations that create an effective and efficient Peer Review Program.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Insignificant,

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Board recognizes that the regulations to implement the Peer Review Program will create a new business-related cost to approximately 3,000 accounting firms licensed in California; however, the overall impact on the accounting profession is deemed to be minimal as the funds associated with firms undergoing peer review will be shifted to other accounting firms providing peer review-related services. Additionally, though peer review increases certain accounting firms' business-related costs, it makes these same firms more competitive with accounting firms licensed and operating in 41 other states that presently require licensed accounting firms to undergo peer review, as well as 3,000 California-licensed accounting firms voluntarily participating in peer review. Peer review will expose these accounting firms to best-practice techniques that will enable them to design and refine internal quality control systems, ensuring work is performed in conformity with applicable professional standards, and enable them to develop and refine the technical skills of their employees.

#### AND

The following studies/relevant data were relied upon in making the above determination:

California Board of Accountancy, "Staff Report on Continuing Education," September 1998

California Board of Accountancy online *Customer Service Satisfaction Survey*

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal has the potential to have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

The Board is unable to quantify with any degree of certainty the potential effect of the proposed regulations on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of business in the State of California. That said, the group that will see the most significant impact of this proposal will be those businesses performing accounting and auditing services that do not presently voluntarily undergo peer review. It is possible that some smaller firms, including sole proprietorships, who only perform accounting and auditing services on an infrequent basis, and that do not presently voluntarily undergo peer review, may cease performing these services in order to avoid the peer review requirement. In these cases, the Board believes that the vast majority of these businesses would shift the services the business provides to other accounting-related services such as taxation and financial planning, thus not subjecting them to the peer review requirement, but remaining in business. It is possible that a small number, particularly sole proprietorships, may decide to retire or sell their business and join or merge with another firm.

In contrast, the Board believes that based on the increased volume of firms required to undergo peer review, there will be an increased market for peer review-related services. Accounting firms not presently providing peer review-related services may choose to expand their business services to address the increased demand for qualified peer reviewers. Further, the proposed peer review regulations allow for organizations to create their own peer review program, the byproduct being administrative staffing needs to administer the peer review program. The Board, however, is unable to provide an accurate estimate on the number of businesses and jobs created or eliminated by the proposed regulations.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

- Costs associated with undergoing peer review to include: any administrative fees paid to the peer review program, fees paid to the peer reviewer, lost billable time to prepare for the peer review, and time and money spent by certain accounting firms to complete remedial/corrective actions

- Cost of postage to submit the peer review reporting form (PR-1) by all Board licensees
- Cost of postage to submit required materials to the Board by accounting firms, outside of the regular license renewal period, that receive a substandard peer review report or are expelled from a peer review program
- Cost of postage to submit required materials by Board-recognized peer review program providers as part of the Board's oversight activities.

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses.

## CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulations or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposals described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, in underline and strikeout format to allow for comparison with existing regulations, and all of the information upon which the proposal is based may be accessed on the Board's Web site or obtained upon request from the Contact Person listed on the following page.

## AVAILABILITY AND LOCATION OF DOCUMENTS

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named on the following page.



You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Contact Person named in this Notice or by accessing the Board's Web site at [www.dca.ca.gov/cba](http://www.dca.ca.gov/cba).

### CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Matthew Stanley  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815-3832

Telephone No.: (916) 561-1700  
Fax No.: (916) 263-3675  
E-Mail Address: [regulations@cba.ca.gov](mailto:regulations@cba.ca.gov)

The backup contact person is:

Name: Dan Rich  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815-3832

Telephone No.: (916) 561-1700  
Fax No.: (916) 263-3675  
E-Mail Address: [regulations@cba.ca.gov](mailto:regulations@cba.ca.gov)

### TITLE 16. BOARD OF OPTOMETRY

NOTICE IS HEREBY GIVEN that the Board of Optometry (hereafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail must be received by the Board of Optometry not later than 5:00 p.m. on January 18, 2010 and sent to the address listed under Contact Person in this Notice.

A hearing in this matter has been scheduled for January 19, 2010 from 10:00 a.m. to 12:00 p.m., in the Yosemite Room, at 2420 Del Paso Road, Sacramento, California. All interested parties will be heard at that time.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text with the exception of technical or grammatical changes. The full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit

written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 3010.1, 3025, 3025.5 and 3110 of the Business and Professions Code, and to implement, interpret or make specific Sections 2544, 2564.5, and 3025.6 of said Code, the Board of Optometry is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend section 1520.

Business and Profession Code (BPC) section 3010.1 requires that the protection of the public be the highest priority for the Board of Optometry (hereafter "Board") in exercising its licensing, regulatory, and disciplinary functions. BPC section 3110 sets forth grounds for discipline if a licensee knowingly fails to protect patients from transmission of blood-borne infectious diseases. Therefore, CCR section 1520 is hereby amended in order to specify and clarify infection control guidelines and standards of practice to be followed by licensees, assistants in the office of an optometrist, and staff while treating patients.

Previously, CCR section 1520 only addressed requirements for hand washing facilities in an optometric practice. The proposed amended regulation expands CCR section 1520, and uses minimum standards that are industry-accepted and known to minimize the risk of transmission of infectious diseases or agents and are intended to protect patients, licensees and their staff.

The proposed language establishes infection prevention practices for proper hand hygiene, appropriate use of personal protective equipment, handling of sharp instruments, and appropriate cleaning of patient care equipment, instruments, devices and environmental care.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Cost/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None

Business Impact:

The Board of Optometry has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact

directly affecting business, including the ability of California businesses to compete with businesses in other states.

**AND**

The following studies/relevant data were relied upon in making the above determination: None

**Impact on Jobs/New Businesses:**

The Board of Optometry has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**Cost Impact on Representative Private Person or Business:**

The Board is aware that there will be cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If licensees who own their own practice comply with the amended regulation then there would be no effect, since the Board is not creating new standards, just explicitly publishing established standards to the CCR in order to inform and clarify what was already expected of licensees. But if noncompliance occurs, licensees will be subject to disciplinary action and may need to pay a citation.

**Effect on Housing Costs:** None

**EFFECT ON SMALL BUSINESS**

The Board of Optometry has determined that the proposed amendments to this regulation would affect small businesses.

**CONSIDERATION OF ALTERNATIVES**

The Board of Optometry must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this notice.

Any interested person may present written statements relevant to the above determinations to the Board of Optometry at the address referred to below.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Optometry at 2420 Del Paso Road, Suite 255, Sacramento, California 95834, or from the Board of Optometry web-site at [www.optometry.ca.gov](http://www.optometry.ca.gov).

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE**

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web-site listed below.

**CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be Addressed to:

Name: Andrea Leiva  
Address: 2420 Del Paso Road, Suite 255  
Sacramento, CA 95834

Telephone Number: (916) 575-7182  
Fax Number: (916) 575-7292  
E-mail Address: [andrea\\_leiva@dca.ca.gov](mailto:andrea_leiva@dca.ca.gov)

The backup contact person is:

Name: Mona Maggio  
Executive Officer  
Address: 2420 Del Paso Road, Suite 255  
Sacramento, CA 95834

Telephone Number: (916) 575-7176  
Fax Number: (916) 575-7292  
E-mail Address: [mona\\_maggio@dca.ca.gov](mailto:mona_maggio@dca.ca.gov)

Optometry Board web-site access: Information regarding this proposal can be found at [www.optometry.ca.gov](http://www.optometry.ca.gov), click on "Laws and Regulations", then "Proposed Regulations".

**TITLE 16. STRUCTURAL PEST  
CONTROL BOARD**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action de-

scribed in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen Street, Hearing Room, Sacramento, California at 8:00 a.m., on January 21, 2010. Written comments, including those sent by mail, facsimile, or e-mail to addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office not later than 5:00 p.m. on January 19, 2010 or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 8525 of the Business and Professions Code, and to implement, interpret or make specific Sections 8505.9, 8505.10, 8516, 8519 and 8644 of said Code, the Structural Pest Control Board is considering changes to Division 19 (Structural Pest Control Board) of Title 16 of the California Code of Regulations as follows:

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### 1. Amend 1974. Fumigation Warning Signs

Business and Professions Code section 8505.10 states in part that fumigation warning signs be printed in red on a white background and contain the statement "DANGER—FUMIGATION" in letters not less than two inches in height. The sign must also depict a skull and crossbones not less than one inch in height and shall state in letters not less than one-half inch in height the name of the fumigant, the date and time fumigant was injected, and the name, address and telephone number of the registered company performing the fumigation.

The objective for amending this regulation is for fumigation companies to provide more concise information about the fumigant (trade name and active ingredient) being used to ensure that enforcement and emergency response personnel will be able to access information about the fumigant used in a timely manner from signage already required onsite.

### 2. Amend 1996.1. Inspection and Completion Tags

Business and Professions Code section 8518 in part sets forth a requirement that documentation associated with the completion of work under a contract on a form prescribed by the Structural Pest Control Board be provided to the owner of the property. Currently regulation section 1996.1 requires that the size of the completion tag be not less than 3" by 5" and contain the firm's name, date of completion and name of any chemical used or method(s) of treatment.

The objective for amending this regulation is to provide more concise information regarding the pesticide(s) used in treating a structure for wood destroying pest and/or organisms to ensure that enforcement and emergency response personnel will be able to access information about pesticides used in a timely manner from signage already required onsite.

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

No nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Requires Reimbursement: None

Business Impact:

The Structural Pest Control Board has made an initial determination that the proposed regulatory actions would have no significant statewide adverse economic impact directly affecting business, including the ability of California business to compete with business in other states.

Impact on Jobs/New Businesses:

The Structural Pest Control Board has determined that these regulatory proposals will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing business or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Structural Pest Control Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS

Amending section 1974 will have no affect on small business, as a requirement for providing fumigant information is currently in the regulation. All that would be required is information enhancement.

Amending section 1996.1 will have no effect on small business, as a requirement for providing pesticide use information is currently in the regulation. All that would be required is information enhancement. The required tag is already preprinted and pesticide use information is penciled in.

## CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board has determined that no reasonable alternative to the proposed amendments would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed amendment(s).

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed amendments to the regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

## CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Dennis Patzer  
Address: 2005 Evergreen Street, Suite  
1500  
Sacramento, California 95815  
Telephone No: (916) 561-8710  
Fax No: (916) 263-2469  
E-Mail Address: Dennis\_Patzer@dca.ca.gov

The backup contact person is:

Name: Susan Saylor  
Address: 2005 Evergreen Street, Suite  
1500  
Sacramento, California  
Telephone No: (916) 561-8700  
Fax No: (916) 263-2469  
E-Mail address: [Susan.Saylor@dca.ca.gov](mailto:Susan.Saylor@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at [www.pestboard.ca.gov](http://www.pestboard.ca.gov).

## GENERAL PUBLIC INTEREST

### TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

C & C Disposal Service  
P.O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse  
Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P.O. Box 60  
Leominster, MA 01453



Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828

Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037

Vandergoot Equipment Co.  
P.O. Box 925  
Middletown, CA 95461

## DEPARTMENT OF FISH AND GAME

Department of Fish and Game —  
Public Interest Notice  
For Publication December 4, 2009  
PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES  
Lost River Sucker and Shortnose Sucker Relocation  
from the J-Canal to Tulelake and Clear Lake  
Reservoirs

The Department of Fish and Game (“Department”) received a project proposal from Melissa Braham, Josh Laeder, Darin Taylor, and Alexander Wilkens of U.S. Bureau of Reclamation requesting authorization to conduct capture and relocation activities that involve capturing, handling, PIT (Passive Integrated Transponders) tagging and relocating Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*), Fully Protected Fishes, to increase the number of fish removed from the J-canal and improve survival of these fish, consistent with the protection and recovery of the species.

The applicants have a valid USFWS Section 7 Biological Opinion (BO), and have applied for a Memorandum of Understanding (MOU) to permit them to collect and relocate the Lost River sucker and shortnose sucker, Fully Protected Species.

The proposed research is being conducted by the U.S. Bureau of Reclamation in support of the ongoing study for the recovery of the endangered Lost River and shortnose suckers (suckers) in the Klamath Basin. The applicants propose to use Smith–Root model LR–24 backpack electrofishers, seine nets, block nets, or a combination of all three gear types to capture stranded Lost River and shortnose suckers from J-canal. Captured suckers will be released to Tulelake at the end of each day. At each collection location, the site number, date, crew, fork length or standard length of each sucker captured, and length of time that electrical power was applied to the water will be recorded. These collection sites typically consist of pools in low-lying areas, and are usually associated with a structural feature such as a check point, siphon, or bridge overpass. All captured suckers will be transported via aerated holding tanks and returned to permanent waters based on the location from which they are captured. The annual relocation of young of the year suckers from the Klamath Project often provides a unique experimental opportunity to make use of these suckers. During these activities and when juvenile suckers are abundant, Reclamation proposes to coordinate with local ODFW and CDFG staff the opportunity to mark individuals with PIT tags (Passive Integrated Transponders), so that recruitment into the adult spawning population can be monitored in future years. Clear Lake Reservoir and Tulelake activities will occur when water levels or conditions require USBR to remove stranded adult and juvenile suckers from canals to other places in the lake that provide better water quality and conditions using electrofishers, trammel and trap nets.

Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected Fish after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5515 for take of Fully Protected Fish, it would issue the authorization in the form of a MOU on or after December 4, 2009 for an initial term of five years. The applicant’s biological opinion is valid throughout the duration of this MOU. This MOU may be renewed through 2018, the duration of the biological opinion.

Contact: Fisheries Branch, Nongame Native Fish Program, 830 S Street, Sacramento, CA 95811, Attn.: Glenn Yoshioka.

## DEPARTMENT OF FOOD AND AGRICULTURE

On November 17, 2009 the California Department of Food and Agriculture (CDFA) submitted a Notice of

Proposed Rulemaking to the Office of Administrative Law (OAL No. Z-2009-1117-09) (published in Register 2009, #48-Z on November 27, 2009). The proposed rulemaking concerned the regulations governing the Registration and Certification of Grapevines. There is an omission in the first paragraph of the Notice. In addition to those sections listed, it should be noted that the CDFA is also proposing to adopt Section 4603 (h) in Title 3 of the California Code of Regulations, pertaining to Schedule of Charges.

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

California Environmental Protection Agency  
Office of Environmental Health Hazard Assessment

Notice to Interested Parties  
December 4, 2009

Soil Screening Levels—Notice of the Availability of  
Draft Reports on California Human Health Screening  
Levels for Ethylbenzene and Perchlorate

Health and Safety Code Section 57008 (The California Land Environmental Restoration and Reuse Act; SB32, Escutia, Chapter 764, Statutes of 2001) requires the California Environmental Protection Agency (Cal/EPA), “in cooperation with the Department of Toxic Substances Control, the State Water Resources Control Board, and the Office of Environmental Health Hazard Assessment,” to publish a list of screening numbers for specific contaminants. In January, 2005 the Office of Environmental Health Hazard Assessment (OEHHA) released a report containing California Human Health Screening Levels (CHHSLs) for 60 chemicals. OEHHA is making available two draft reports: “California Human Health Screening Levels for Ethylbenzene” and “Revised California Human Health Screening Levels for Perchlorate.” These reports are new CHHSLs that were not released previously because new toxicity criteria were being prepared on which the CHHSLs would be based.

The draft CHHSLs for ethylbenzene are soil gas levels of 1.1 µg/L and 0.42 µg/L for residential structures on engineered fill or base soil, respectively. The draft CHHSLs for ethylbenzene for commercial/industrial structures are soil gas levels of 3.6 µg/L and 1.4 µg/L on engineered fill or base soil, respectively.

The draft CHHSLs for perchlorate are 28 mg/kg soil for residential property and 350 mg/kg soil for commercial/industrial property.

Both draft reports are available for public review and comment. You may obtain copies of these draft reports

by going to [www.oehha.ca.gov](http://www.oehha.ca.gov) and looking for the notice under “What’s New.” If the notice is not there, go to “Archived Notices” and look for notices with the date 12/04/09. Please provide comments to OEHHA by January 15, 2010 at the address, fax number or e-mail address below. If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below.

Mr. Leon Surgeon  
Integrated Risk Assessment Branch  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010  
1001 I Street, MS-12B  
Sacramento, California 95812-4010  
FAX: (916) 322-9705  
[IRAB@oehha.ca.gov](mailto:IRAB@oehha.ca.gov)

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT

Notice to Interested Parties  
December 4, 2009

Child-Specific Reference Dose—Notice of a Public  
Comments Period and Public Workshop on the  
Child-Specific Reference Dose (chRD) for  
Paraquat for use in Assessing Health Risks at  
Existing and Proposed School Sites

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is making available for review and comment the Draft Report, “Development of Health Criteria for School Site Risk Assessment Pursuant to Health and Safety Code (HSC) Section 901(g): PROPOSED CHILD-SPECIFIC REFERENCE DOSE (chRD) FOR PARAQUAT.”

HSC §901(g) requires the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the appropriate entities within the California Environmental Protection Agency, to identify those chemical contaminants commonly found at school sites and determined by OEHHA to be of greatest concern based on child-specific physiological sensitivities. HSC 901(g) also requires OEHHA to annually evaluate and publish, as appropriate, numerical health guidance values (HGVs) or chRDs for those chemical contaminants.

The draft chRD for paraquat being considered at this time is  $7 \times 10^{-5}$  mg/kg-day. In developing the chRD, OEHHA selected two young animal studies and two adult animal studies. Collectively these studies paint a cohesive picture that paraquat is a neurotoxicant and impacts brain functions. The chRD is based on the lowest observed adverse effect level (LOAEL) of 0.07 mg/kg-day from one of the studies.

This public review and comment period follows the requirements set forth in Health and Safety Code Section 57003 for receiving public input. A public workshop will also be held from 10:00 a.m. to 12:00 p.m. on January 13, 2010, in the Conference Room 230 on the second floor of the Joe Serna (Cal/EPA headquarters) Building, 1001 I Street, Sacramento. Oral and written comments received at the workshop and during the comment period will be considered during the revision of the draft document. Because there will be no official transcript of the meeting, we recommend that oral comments also be submitted in writing.

The draft report can be downloaded from the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov). OEHHA requests that written comments on this draft report be submitted by 5:00 p.m., January 22, 2010. Comments can be submitted using the address, fax number, or email address below. If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below.

Mr. Leon Surgeon  
Integrated Risk Assessment Branch  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010  
1001 I Street, MS-12B  
Sacramento, California 95812-4010

Email: [IRAB@oehha.ca.gov](mailto:IRAB@oehha.ca.gov)  
FAX: (916) 322-9705

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)

## NOTICE TO INTERESTED PARTIES December 4, 2009

### Request for Relevant Information on Diisononyl phthalate (DINP) to be Considered by the OEHHA Science Advisory Board's Carcinogen Identification Committee

## EXTENSION OF PUBLIC COMMENT PERIOD

On October 16, 2009, the Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* (Register 2009, No. 42-Z) soliciting information relevant to the assessment of the evidence of carcinogenicity for diisononyl phthalate (DINP). OEHHA has received requests to extend the comment period for diisononyl phthalate to allow for the submittal of complete and relevant scientific information. OEHHA hereby extends the public comment period for diisononyl phthalate to **5 p.m., Tuesday, February 16, 2010**.

Relevant information should be submitted to:

Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Proposition 65 Implementation  
P.O. Box 4010  
1001 I Street, 19<sup>th</sup> Floor  
Sacramento, California 95812-4010  
FAX: (916) 323-8803  
Or via e-mail to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov)

Submittal of materials in electronic form is encouraged. It is requested that all hard-copy materials be submitted in triplicate.

**Submissions may also be delivered in person or by courier to the above address. In order to be considered, the relevant information must be received at OEHHA (if delivered in person or sent by FAX) by 5:00 p.m. on Tuesday, February 16, 2010.**

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-1014-01

**BOARD OF FORESTRY AND FIRE PROTECTION**  
Evaluation for "Take" Avoidance of Northern Spotted Owl, 2009

This rulemaking action amends sections of Title 14 of the California Code of Regulations for the purpose of ensuring that timber harvests do not cause an incidental taking of Northern Spotted Owls and that timber harvest plans are approved in an efficient and timely manner. Specifically, the rulemaking deletes references to state-employed biologists and replaces them with spotted owl expert. It requires that during breeding season a 500 to 1,000 foot operating restriction area be maintained around an active nest site or owl pair activity center and defines terms stated in that requirement. It also deletes reference to designated biologists and replaces them with "Director" to clarify that take-avoidance determinations are made by the lead agency, the California Department of Forestry and Fire Protection.

## Title 14

California Code of Regulations

AMEND: 895, 895.1, 919.9, 919.10, 939.9, 939.10

Filed 11/25/2009

Effective 01/01/2010

Agency Contact:

Christopher Zimny (916) 653-9418

File# 2009-1110-04

**CALIFORNIA FILM COMMISSION**

## California Film and Television Tax Credit Program

This rulemaking action adds eight sections to Title 10 of the California Code of Regulations to implement the California Film and Television Tax Credit Program. The rulemaking specifies a tax credit application process and the content of the application. It specifies eligibility for the tax credit and the kinds of production and wage expenditures that qualify. It specifies the tax credit certificate issuance process. It also defines a number of terms and incorporates by reference eight forms necessary to implementing the program.

## Title 10

California Code of Regulations

AMEND: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507

Filed 11/19/2009

Effective 11/19/2009

Agency Contact: Terri Toohey (916) 768-5638

File# 2009-1015-02

**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

## Inmate Law Libraries

This rulemaking amends sections within Title 15 and adopts two new sections to clarify inmate access to law libraries based upon their status as either a "Priority Legal User" or a "General Legal User." This rulemaking also clarifies what happens if there is a lockdown and how inmate access to law libraries is handled during the lockdown period. Additionally this rulemaking outlines the rules pertaining to photocopying legal documents including the size limit and when or if the inmate is expected to pay for the copying. Finally this rulemaking outlines rules regarding inmate use of computer equipment and clarifies inmate access to the Law Library Electronic Delivery System (LLEDs).

## Title 15

California Code of Regulations

ADOPT: 3123, 3124 AMEND: 3041.3, 3122, 3162, 3164, 3165

Filed 11/24/2009

Effective 12/24/2009

Agency Contact: John McClure (916) 255-5464

File# 2009-1123-10

**DEPARTMENT OF FOOD AND AGRICULTURE**

## Asian Citrus Psyllid Interior Quarantine

This regulatory amendment adds the entire Imperial County to the quarantine area with respect to the Asian Citrus Psyllid (ACP), pursuant to the Imperial County Agricultural Commissioner's request. The potential for damage is measured in many millions of dollars with respect to this pest. There is a federal quarantine requirement. This amendment also expands the existing regulated areas by approximately 1,728 square miles in Imperial County, approximately 8 miles in Riverside County and adjusts the boundary line in San Diego County according to the established protocol due to an error in establishing the boundary.

## Title 3

California Code of Regulations

AMEND: 3435(b)

Filed 11/25/2009

Effective 11/25/2009

Agency Contact:

Susan McCarthy (916) 654-1017

File# 2009-1014-06

**DEPARTMENT OF FOOD AND AGRICULTURE**

## Karnal Bunt Disease Interior Quarantine

This regulatory action revises the quarantine area against Karnal bunt, a disease of wheat, durum wheat, and triticale (a hybrid of wheat and rye) that is detected in bunted wheat and other host kernels based on microscopic examination for spores of *Tilletia indica*. Karnal bunt disease does not affect human health but negatively impacts yield, quality, color, odor and palatability of



flour and foodstuffs made from wheat, so if allowed to spread and become permanently established in California, California's production of wheat and other host grains would be detrimentally impacted. This regulatory action removes a portion of the Palo Verde Valley area of Riverside County from the quarantine area because recent annual disease surveys for the affected area have returned negative results for spores of *Tilletia indica*. This regulation further limits the quarantine area to a three-mile radius surrounding a single positive field.

Title 3  
California Code of Regulations  
AMEND: 3430(b)  
Filed 11/24/2009  
Effective 12/24/2009  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2009-1028-01  
DEPARTMENT OF INDUSTRIAL RELATIONS  
Labor Enforcement and Compliance Fund, and Assessments

This rulemaking revises 9 sections within Title 8 of the California Code of Regulations adding information regarding the Labor Enforcement and Compliance Fund. The amended sections establish the manner of collection for the surcharges related to this fund. This regulatory action is exempt from the APA pursuant to Labor Code section 62.5, subdivision (f)(5).

Title 8  
California Code of Regulations  
AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611  
Filed 11/19/2009  
Effective 11/19/2009  
Agency Contact:  
Richard Starkeson (650) 737-2022

File# 2009-1007-02  
DEPARTMENT OF INSURANCE  
Amendment to CAARP, Rule 124

This action is an amendment to section 2498.5 and to Rule 124 of the "California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates" (incorporated by reference into section 2498.5). These amendments to Rule 124 concern Employers Non-Ownership Liability with respect to "Prepared Food Delivery Operations" and the minimum coverages for bodily injury and property damage (for "Advance Premiums" and "Earned Premiums"). It is exempt from OAL review under the rate exemption of the Government Code (Gov. Code section 11340.9, subd. (g).)

Title 10  
California Code of Regulations  
AMEND: 2498.5  
Filed 11/19/2009  
Effective 12/19/2009  
Agency Contact: Mike Riordan (415) 538-4226

File# 2009-1007-06  
DEPARTMENT OF INSURANCE  
Amendment to CAARP, Rule 53

This action is an amendment to Rule 53 of the CAARP "California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates" (incorporated by reference in section 2498.5 of the California Code of Regulations). Rule 53 amends Table 1A to reflect increased limits for property damage liability coverage for commercial risks when required by law. Table 1A will now include \$25,000 for property damage limits. It is part of the CAARP plan that has historically been exempt from OAL review under the rate, price, tariff exemption of the Government Code (Gov. Code section 11340.9, subd. (g).)

Title 10  
California Code of Regulations  
AMEND: 2498.5  
Filed 11/19/2009  
Effective 12/19/2009  
Agency Contact: Mike Riordan (415) 538-4226

File# 2009-1007-03  
DEPARTMENT OF INSURANCE  
Insured notified faster if applicant rejected for outstanding payment

The Department of Insurance proposed this rulemaking action to amend provisions in Sections 26 and 44 of the CAARP Plan of Operations, which is incorporated by reference in title 10, California Code of Regulations, section 2498.4.9. The amendments change the procedure for notifying an applicant of their ineligibility for coverage under CAARP when the applicant has an outstanding balance on a previous plan.

Title 10  
California Code of Regulations  
AMEND: 2498.4.9  
Filed 11/19/2009  
Effective 12/19/2009  
Agency Contact: Mike Riordan (415) 538-4226

File# 2009-1007-05  
DEPARTMENT OF INSURANCE  
Updates language to coincide with other parts of the Plan

The Department of Insurance proposed this rulemaking action to amend provisions in Sections 1 and 3 of the

CAARP Plan of Operations, which is incorporated by reference in title 10, California Code of Regulations, section 2498.4.9. The amendments to Section 3 reduce the amount of regularly scheduled CAARP Advisory Committee meetings from six to four each year, allow for non-regularly scheduled meetings to be held by conference call, and provide for notices to include information for public access to non-regularly scheduled meetings, including conference call meetings. Definitions for “executive session” and “non-executive session” are added to the definitions in Section 1 as terms for meetings that are closed to the public and meetings that are open to the public.

Title 10  
California Code of Regulations  
AMEND: 2498.4.9  
Filed 11/19/2009  
Effective 12/19/2009  
Agency Contact: Mike Riordan (415) 538-4226

File# 2009-1027-02  
DEPARTMENT OF PUBLIC HEALTH  
Continuing Education for Registered Environmental Health Specialists

The purpose of this rulemaking is to adopt Title 22, sections 65800-65808 of the California Code of Regulations. These new sections are being adopted to establish the requirements and standards for continuing education for each Registered Environmental Health Specialist (REHS). The proposed regulations establish a minimum of 24 contact hours of continuing education as a condition of registration renewal for REHS. The regulations would establish Accreditation Agencies approved by the Department of Public Health. The regulations also establish the procedures for these agencies to approve “recognized providers.”

Title 22  
California Code of Regulations  
ADOPT: 65800, 65801, 65802, 65803, 65804, 65805, 65806, 65807, 65808  
Filed 11/24/2009  
Effective 11/24/2009  
Agency Contact: Marylyn Willis (916) 440-7807

File# 2009-1013-01  
FISH AND GAME COMMISSION  
Commercial Herring Fishery

This action amends the beginning and ending dates for the commercial herring fishery in Tomales Bay, sets the herring quota for San Francisco Bay for 2009-2010 at zero, and closes ocean fishing for herring beginning January 1, 2010. The allowable harvest of herring eggs on kelp in San Francisco Bay is being reduced to zero.

Title 14  
California Code of Regulations  
AMEND: 163, 164  
Filed 11/18/2009  
Effective 12/18/2009  
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2009-1112-01  
FISH AND GAME COMMISSION  
Incidental Take of California Tiger Salamander During Candidacy

The action of the Fish and Game Commission to read-opt for 90 days the emergency regulation at Title 14 California Code of Regulations Section 749.4 is hereby approved by the Office of Administrative Law.

Title 14  
California Code of Regulations  
ADOPT: 749.4  
Filed 11/23/2009  
Effective 11/23/2009  
Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2009-1007-08  
OFFICE OF THE STATE FIRE MARSHAL  
Portable Gasoline Containers — Remove requirements

As a result of the enactment of the federal Children’s Gasoline Burn Prevention Act, which preempts state law regarding portable gasoline containers, this rule-making action removes from relevant sections of Title 19 of the California Code of Regulations all references to portable gasoline containers and to approval and listing of the same by the Office of the State Fire Marshal and to prohibition on the sale of those containers not manufactured prior to April 1, 2008 or approved by the Office of the State Fire Marshal.

Title 19  
California Code of Regulations  
AMEND: 200, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, 217  
Filed 11/19/2009  
Effective 12/19/2009  
Agency Contact: Diane Arend (916) 324-9592

File# 2009-1119-03  
STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of 1998; Seismic Mitigation Program

The Seismic Mitigation Program funds seismic repair, reconstruction, or replacement of “the most vulnerable” school facilities. To encourage greater participation in the program, the Board amended the regulation to reduce the ground shaking threshold from 170 g to 1.68 g, and expanded the structural building types eli-

gible for the program. These changes will enable approximately \$167.2 million in seismic mitigation projects to qualify for the \$199.5 million in authorized funding.

Title 2  
California Code of Regulations  
AMEND: 1859.2  
Filed 11/24/2009  
Effective 11/24/2009  
Agency Contact: Robert Young (916) 445-0083

File# 2009-1014-05  
STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of 1998; Implementation SB 658

The School Facility Program provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. Senate Bill 658 (SB 658, Stats. 2008, c. 271) was enacted to phase out Multi-Track Year-Round Education (MTYRE) Operational Grants over the next four years and reallocate the funds to the Charter School Facility Grant Program. The proposed amendments delete the regulatory references to MTYRE Operational Grants as a factor in determining school building capacity and new construction eligibility under the School Facility Program.

Title 2  
California Code of Regulations  
AMEND: 1859.2, 1859.35, 1859.51, Form SAB 50-02, SAB Form 50-03, SAB Form 50-04  
Filed 11/24/2009  
Effective 11/24/2009  
Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN June 24, 2009 TO  
November 25, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**  
11/24/09 AMEND: 1859.2

11/24/09 AMEND: 1859.2, 1859.35, 1859.51, Form SAB 50-02, SAB Form 50-03, SAB Form 50-04  
11/17/09 ADOPT: 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823, 20830, 20831, 20832, 20833, 20840, 20841, 20842  
11/16/09 AMEND: 1859.129, 1859.197  
11/12/09 ADOPT: 18944.4 AMEND: 18944.3  
11/12/09 ADOPT: 18219, 18734  
11/09/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197  
11/09/09 ADOPT: 604 REPEAL: 604  
11/05/09 ADOPT: 60800, 60801, 60802, 60803, 60804, 60805, 60806, 60807, 60808, 60809, 60810, 60811, 60812, 60813, 60814, 60815, 60816, 60817, 60818, 60819, 60820, 60821, 60822, 60823, 60824, 60825, 60826, 60827, 60828, 60829, 60830, 60831, 60832, 60833, 60834, 60835, 60836, 60837, 60840, 60841, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855  
11/03/09 ADOPT: 1859.96 AMEND: 1859.2, 1859.90  
10/01/09 AMEND: 2291, 2292, 2294 ADOPT: 2297  
10/01/09 AMEND: 1898.2, 1898.7  
09/22/09 ADOPT: 18603, 18603.1  
09/22/09 ADOPT: 18901.1 AMEND: 18420.1  
09/18/09 AMEND: 1859.76  
09/17/09 AMEND: 2270, 2271  
09/14/09 AMEND: 588.1, 588.2  
08/31/09 ADOPT: 1859.324.2 AMEND: 1859.302, 1859.324.1, 1859.330  
08/03/09 ADOPT: 647.5, 647.25, 647.36, 647.37.1 AMEND: 647.1, 647.2, 647.3, 647.4, 647.20, 647.20.1, 647.22, 647.23, 647.24, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.38 REPEAL: 647.25, 647.34  
07/30/09 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585  
07/20/09 ADOPT: 721  
07/07/09 AMEND: 18450.4  
07/06/09 AMEND: 18940.2

**Title 3**  
11/25/09 AMEND: 3435(b)  
11/24/09 AMEND: 3430(b)  
11/16/09 AMEND: 3435(b)  
11/16/09 AMEND: 3406(b)(c)

11/10/09 AMEND: 3434(b)  
 10/30/09 AMEND: 3435(b), (c) and (d)  
 10/15/09 AMEND: 3434(b)  
 10/08/09 AMEND: 3434(b)  
 10/08/09 AMEND: 3591.20(a)  
 09/24/09 AMEND: 3406(b)  
 09/24/09 AMEND: 3434(b)  
 09/22/09 AMEND: 6562  
 09/15/09 AMEND: 3434(b)  
 09/14/09 AMEND: 3435(b)  
 09/10/09 ADOPT: 2300.1, 2300.2, 2300.3  
 AMEND: 2300  
 09/09/09 AMEND: 3434(b)  
 09/03/09 AMEND: 3434(b)  
 09/01/09 AMEND: 3435(b)  
 08/28/09 AMEND: 3434(b)  
 08/27/09 AMEND: 3435(b)  
 08/27/09 AMEND: 3588  
 08/26/09 AMEND: 6400, 6502, 6620,  
 6626(a)–(b), 6626(c), 6627, 6670, 6672,  
 6736, and incorporated by reference  
 forms  
 08/20/09 AMEND: 3406(b)  
 08/20/09 AMEND: 3591.13(a)  
 08/13/09 AMEND: 3434(b)  
 08/13/09 AMEND: 6618, 6619, 6761.1, 6770,  
 6771  
 08/12/09 ADOPT: 902.15  
 08/07/09 AMEND: 3406(b)  
 08/05/09 AMEND: 3434(b), 3434(c)  
 08/04/09 AMEND: 3423(b)  
 07/31/09 ADOPT: 3436  
 07/24/09 AMEND: 3434(b)  
 07/22/09 ADOPT: 3591.23  
 07/22/09 AMEND: 3406(b)  
 07/21/09 AMEND: 3591.2(a)  
 07/20/09 AMEND: 3591.20(a)  
 07/13/09 AMEND: 625  
 07/07/09 AMEND: 3435  
 07/02/09 AMEND: 3423(b)  
 06/30/09 AMEND: 3434(b)

**Title 4**

10/27/09 AMEND: 8034, 8035, 8042, 8043  
 10/20/09 AMEND: 1606  
 10/07/09 AMEND: 7030, 7034, 7035, 7037, 7038,  
 7042, 7044, 7045, 7046, 7048, 7049,  
 7050  
 08/25/09 ADOPT: 12380, 12381, 12384, 12385,  
 12386 AMEND: 12360  
 08/04/09 AMEND: 1853  
 07/31/09 AMEND: 10020  
 07/31/09 ADOPT: 7051, 7052, 7053, 7054, 7055,  
 7056, 7057, 7058, 7059, 7060, 7061,

7062, 7063, 7064, 7065, 7066, 7067,  
 7068, 7069, 7070, 7071  
 07/21/09 AMEND: 1979, 1979.1  
 07/21/09 REPEAL: 1950.1  
 06/25/09 ADOPT: 12486

**Title 5**

11/03/09 AMEND: 1200, 1204.5, 1207, 1207.5,  
 1210, 1211.5, 1215, 1215.5, 1216  
 REPEAL: 1207.2  
 08/20/09 ADOPT: 19825.1 AMEND: 19816,  
 19816.1, 19825, 19825.1 (renumber to  
 19825.2)  
 07/21/09 ADOPT: 43200  
 07/21/09 ADOPT: 43220  
 07/21/09 AMEND: 42920  
 07/21/09 ADOPT: 40411  
 07/09/09 AMEND: 18100  
 07/03/09 ADOPT: 80027.1, 80048.7 AMEND:  
 80027  
 06/29/09 ADOPT: 19821.5, 19825.1, 19828.4,  
 19837.3, 19839, 19845.2 AMEND:  
 19815, 19816, 19816.1, 19828.3,  
 19837.2, 19845.1, 19846

**Title 8**

11/19/09 AMEND: 15600, 15601, 15602, 15603,  
 15604, 15605, 15606, 15607, 15611  
 11/04/09 AMEND: 9771, 9778, 9779, 9779.5  
 REPEAL: 9779.9  
 10/28/09 AMEND: 3333, 3650  
 10/26/09 AMEND: 5306  
 10/22/09 AMEND: 3277  
 10/07/09 AMEND: 2395.6  
 08/31/09 AMEND: 3385  
 08/27/09 AMEND: 3400  
 07/31/09 AMEND: 1637, 1646  
 07/27/09 AMEND: 5006.1  
 07/24/09 AMEND: 3466  
 07/23/09 AMEND: 1598, 1599  
 07/06/09 ADOPT: 5199  
 07/06/09 ADOPT: 5199.1

**Title 9**

11/04/09 ADOPT: 3200.125, 3200.215, 3200.217,  
 3200.253, 3200.254, 3200.255,  
 3200.256, 3200.275, 3200.276,  
 3200.320, 3200.325, 3550, 3810, 3820,  
 3830, 3840, 3841, 3842, 3843, 3844,  
 3844.1, 3845, 3850, 3851, 3851.1, 3852,  
 3853, 3854, 3854.1, 3854.2, 3856  
 AMEND: 3310, 3510  
 10/26/09 ADOPT: 4350  
 09/22/09 ADOPT: 7213.4, 7213.5, 7213.6, 7214.1,  
 7214.2, 7214.3, 7214.4, 7214.6, 7214.8,





10/29/09 AMEND: 551  
 10/27/09 AMEND: 938.8  
 10/27/09 ADOPT: 1530.05 AMEND: 1553, 1554,  
 1561.1, 1562, 1564, 1567  
 10/26/09 ADOPT: 1091.15 AMEND: 1091.9  
 10/22/09 ADOPT: 749.5  
 10/20/09 ADOPT: 6594, 6594.1, 6594.2, 6594.3,  
 6594.4, 6594.5, 6594.6, 6594.7, 6594.8,  
 6594.9, 6594.20, 659.21, 6594.22,  
 6594.23, 6594.24, 6594.25, 6594.26,  
 6594.27, 6594.40, 6594.41, 6594.42,  
 6594.43, 6594.44, 6594.45, 6594.46,  
 6594.47  
 10/20/09 AMEND: 300  
 10/07/09 AMEND: 122  
 10/05/09 AMEND: 670.5  
 09/15/09 AMEND: 502  
 08/25/09 AMEND: 257, 300, 311, 313  
 08/24/09 ADOPT: 749.4  
 07/14/09 AMEND: 124  
 07/13/09 AMEND: 163

**Title 15**

11/24/09 ADOPT: 3123, 3124 AMEND: 3041.3,  
 3122, 3162, 3164, 3165  
 10/23/09 ADOPT: 3999.8  
 10/14/09 AMEND: 3045.2  
 10/06/09 AMEND: 3000, 3173.1, 3176, 3176.3,  
 3315, 3323  
 09/29/09 AMEND: 3341.5  
 08/18/09 ADOPT: 1800, 1806, 1812, 1814, 1830,  
 1831, 1840, 1847, 1848, 1849, 1850,  
 1851, 1852, 1853, 1854, 1856, 1857,  
 1860, 1866, 1867, 1868, 1870, 1872,  
 1876, 1878, 1888, 1890, 1892  
 08/11/09 AMEND: 2253  
 08/11/09 ADOPT: 3650, 3651, 3652, 3653, 3654  
 REPEAL: 3652.1  
 07/28/09 ADOPT: 3077, 3077.1, 3077.2, 3077.3,  
 3077.4 AMEND: 3000, 3043.6, 3375

**Title 16**

11/12/09 ADOPT: 645  
 11/05/09 ADOPT: 3340.42.2 AMEND: 3340.17,  
 3340.42  
 10/08/09 AMEND: 1888  
 10/07/09 ADOPT: 1399.90, 1399.91, 1399.92,  
 1399.93, 1399.94, 1399.95, 1399.96,  
 1399.97, 1399.98, 1399.99 REPEAL:  
 1399.50, 1399.52  
 10/05/09 ADOPT: 1399.514  
 09/16/09 ADOPT: 1950.1 AMEND: 1984  
 09/16/09 ADOPT: 1399.720, 1399.721, 1399.722,  
 1399.723, 1399.724, 1399.725  
 09/08/09 AMEND: 2310

08/24/09 AMEND: 4161  
 08/11/09 AMEND: 2504.1, 2517.5, 2537, 2540.6,  
 2564.1, 2575.5, 2590, 2592.6  
 08/05/09 AMEND: 995  
 08/05/09 AMEND: 1399.15  
 08/04/09 ADOPT: 1773.5 AMEND: 1773  
 07/28/09 AMEND: 4110  
 07/27/09 AMEND: 4130  
 07/24/09 AMEND: 1391.10, 1391.12  
 07/24/09 AMEND: 1387, 1387.6  
 07/17/09 AMEND: 1999.5  
 06/26/09 ADOPT: 2611 AMEND: 2606, 2614,  
 2615, 2616, 2621, 2649 REPEAL: 2612,  
 2613, 2623  
 06/26/09 AMEND: 426.51

**Title 17**

11/12/09 AMEND: 30305  
 11/10/09 ADOPT: 100502  
 10/15/09 ADOPT: 1230 REPEAL: 1230  
 09/22/09 AMEND: 2500, 2502, 2505  
 09/18/09 AMEND: 100500  
 09/01/09 ADOPT: 95360, 95361, 95362, 95363,  
 95364, 95365, 95366, 95367, 95368,  
 95369, 95370  
 08/19/09 ADOPT: 100081  
 08/13/09 AMEND: 6500.74, 6500.77

**Title 18**

09/29/09 AMEND: 1620  
 07/30/09 AMEND: 1668

**Title 19**

11/19/09 AMEND: 200, 204, 206, 207, 208, 209,  
 211, 212, 214, 215, 216, 217  
 11/06/09 AMEND: 901, 905, 905.2, 906.3

**Title 20**

08/03/09 AMEND: 1670, 1671, 1672, 1673, 1674,  
 1675  
 07/10/09 AMEND: 1601, 1602, 1604, 1605.3,  
 1606  
 07/10/09 AMEND: 1601, 1602, 1603, 1604,  
 1605.1, 1605.2, 1605.3, 1606, 1607,  
 1608

**Title 21**

10/06/09 ADOPT: 1412.1, 1412.2, 1412.3, 1412.4,  
 1412.5, 1412.6, 1412.7, 1412.8, 1412.9  
 09/16/09 ADOPT: 7700, 7701, 7702, 7703, 7704,  
 7705, 7706, 7707, 7708, 7709, 7710,  
 7711

**Title 22**

11/24/09 ADOPT: 65800, 65801, 65802, 65803,  
 65804, 65805, 65806, 65807, 65808  
 08/31/09 ADOPT: 2706-7  
 07/31/09 AMEND: 80001, 85002 and 85068.4  
 07/23/09 AMEND: 120201

07/22/09	AMEND: 51529	AMEND: 490, 491, 492, 493, 494
07/20/09	AMEND: 68201, 68202, 68205, 68206, 68207, 68208, 68209, 68210, 68211, and Appendix 1 to Article 1 of Chapter 47	REPEAL: 495
07/13/09	AMEND: 66273.3, 66273.39	08/05/09 ADOPT: 3959.2
<b>Title 23</b>		07/09/09 ADOPT: 3959.3
11/04/09	ADOPT: 2631.2	06/25/09 ADOPT: 3989.8
11/02/09	ADOPT: 3919.5	<b>Title 25</b>
10/21/09	AMEND: 1062, 1064, 1066, 1070	10/29/09 AMEND: 1008
10/06/09	AMEND: 3939.2	10/15/09 ADOPT: 4100, 4102, 4104
09/30/09	ADOPT: 570, 571, 572, 573, 574, 575, 576	09/17/09 AMEND: 637
09/30/09	AMEND: 3939.2	09/17/09 AMEND: 1008
09/16/09	ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37 REPEAL: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37	09/08/09 ADOPT: 7980, 7980.1, 7982, 7982.1, 7982.2, 7982.3, 7982.4, 7983, 7983.1, 7983.2, 7983.3, 7983.4, 7983.5, 7984, 7984.1, 7984.2
09/15/09	ADOPT: 2910.1	08/19/09 ADOPT: 4200, 4202, 4204, 4205, 4206, 4208, 4210, 4212, 4214, 4216
09/15/09	ADOPT: 3989.9	<b>Title 27</b>
09/10/09	ADOPT: 490.1, 492.1, 492.2, 492.3, 492.4, 492.5, 492.6, 492.7, 492.8, 492.9, 492.10, 492.11, 492.12, 492.13, 492.14, 492.15, 492.16, 492.17, 493.1, 493.2	10/26/09 AMEND: 25102(d)
		07/23/09 AMEND: 25204
		<b>Title MPP</b>
		11/10/09 AMEND: 31-002, 31-003 and 31-502
		09/22/09 AMEND: 40-107, 42-213, 89-130
		08/31/09 ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
		07/06/09 ADOPT: 31-003, 31-502 AMEND: 31-002
		06/29/09 AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306

